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BOOK REVIEWS.

SIEGFRIED F. HARTMAN, *Editor-in-Charge.*

THE MODERN LAW OF LABOR UNIONS. By W. A. MARTIN. Washington, D. C.: JOHN BYRNE & Co. 1910. pp. xxv, 649.

The first impression upon the reviewer made by this book was that its bulk is much larger than the topic warrants. A glance at the pages, however, reveals the fact that the substance is not as massive as the appearance; while a careful examination discloses the further fact that there is much repetition. Moreover, the Appendix, extending through one hundred and twenty-two pages, contains more than thirty forms of indictments, informations, bills for injunctions, and injunctions. Most of these are taken verbatim from the reports of decided cases. While very interesting and instructive, many purchasers of the book will not care for these duplications of printed matter, which is already on their shelves and easily accessible; and all others would have been satisfied, we fancy, if these forms had been printed in smaller type, with consequent reduction in the size of the volume.

The repetition, to which reference has been made, is especially noticeable in the chapters devoted to boycott. Our author first discusses boycotts of capital, and then, in a separate chapter, deals with boycotts of labor. Of course, most of the principles set forth in the earlier discussion are reiterated in the later, and many of the same authorities are cited again. Indeed, as one looks through the table of cases, he notes with surprise the number of times certain cases have been cited. For example, *Barr v. Essex Trades Council* appears on twenty-seven different pages, while *Beck v. Railway Teamster's Protection Union* appears on thirty-three pages; and not infrequently each is cited twice on the same page.

We have noted several instances of poor proof-reading, but the context usually enables one to make the proper correction. At times, our author's style is neither graceful nor lucid. For example, on page seventy-nine, we read, "The rule applies with full force and effect, though such coercion and compulsion as is incidental to the imposition of or threats, express or implied, to impose penalties is made use of for the purpose of compelling recalcitrant members to join the strike;" on page forty-seven, "On the other hand members of a union acting in concert have no lawful right to refuse to work with men belonging to other unions from purely arbitrary causes." In each extract, the author's punctuation has been reproduced.

When we pass from matters of form and style to those of substance, we find little to criticise. Our author appears to have a thorough knowledge of the modern law of labor unions. He has studied the cases carefully, criticises them candidly, but with good judgment, and sums up the results of existing judicial decisions clearly as well as accurately. If any reader doubts this statement, let him examine sections thirty-five and eighty-eight, in which it is shown that "the great weight of authority is to the effect that while the act of an individual may not be unlawful, yet the same act when committed by a combination of individuals may be unlawful both in the sense of rendering the members of the combination liable to a criminal prosecution and to an action on the case for damages or to an injunction process, and that too, though the act for the commission of which the combination was

formed is one which an individual would have the absolute right to commit."

To the busy practitioner, this book should be especially valuable. Every important modern case, dealing with the law of labor unions, appears to have been digested, while the voluminous Table of Contents and Index enable one easily to find the authorities upon any particular topic. Even the repetition of principles and citations, referred to above, is not without its advantages here.

F. M. B.

INDEPENDENT CONTRACTORS AND EMPLOYERS LIABILITY. By THEOPHILUS J. MOLL. Cincinnati: THE W. H. ANDERSON CO. 1910. pp. lvi, 378.

This book by Prof. Moll commences with a quotation from the late lamented Dean Huffcut's concise but admirable treatise on Agency. Immediately following this quotation, comes another quotation from the recent work of Mr. Street on Legal Liability. Then comes another lengthy quotation from Dean Huffcut; so on, almost *ad infinitum*.

Prof. Moll's book, in fact, consists for the greater part rather of excerpts from the writings of others and of lengthy quotations from leading authorities, than of original contributions, whether by way of analysis or by way of criticism.

In these days of the Deluge—for that seems the only way to characterize the constantly increasing over-production of legal literature of every kind—the only excuse for a book on a subject such as "Independent Contractors," already ably and adequately dealt with by others, must be found either in originality of thought and concept, or in a more than usually lucid and compact statement of the familiar principles.

The most charitable critic could hardly ascribe to this treatise of Prof. Moll any originality of treatment. The author seems quite devoid of that passion for the philosophy of the law, of that desire to penetrate into the true *ratio decidendi*, which should characterize the modern writer.

Nor are the form of the book and the treatment of the subject in any respect notable. When the author is not quoting from others (which is seldom), he is prolix, not always over-clear, and never literary.

At least two-thirds of Prof. Moll's work consists of verbatim quotations, or what amounts to the same thing, from Judge Thompson's Commentaries on the Law of Negligence, Mr. Labatt's Treatise on Master and Servant, or the same author's excellent and illuminating monographic notes in the Lawyers' Reports Annotated, from Prof. Burdick's Law of Torts, from Barrows on Negligence, or from Mr. Street's recent treatise on Legal Liability, which, by the way, is in many respects altogether admirable.

It is quite true that Prof. Moll frankly and freely acknowledges his indebtedness to these authors. The seventh chapter of the book, which discusses the employer's liability to his own servants, is derived almost in its entirety from Labatt on Master and Servant. This fact is acknowledged (p. 293), but this does not, it seems, justify a repetition in practically the same language of what another gifted author has already said.

The work, however, is not devoid of merit. In its favor this can be said: the historical method of treatment is frequently em-